IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: Div. of 09/618,197

Filed: August 26, 2003

For: Stapler Handle

Prior Application Information:

Group Art Unit: (3641)

Examiner: (S. Johnson)

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CONTINUING APPLICATION TRANSMITTAL

Transmitted herewith for filing is a ☐ Continuation ☒ Divisional ☐ Continuation-In-Part application under 37 C.F.R. § 1.53(b) of prior patent application No. 09/618,197, filed _July 18, 2000_.

☒   Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.

☒   _15_ total application pages including specification, claims (13 total and 2 independent), and abstract are enclosed.

☐   A newly executed Declaration and Power of Attorney ☐ is enclosed ☐ will follow.

☒   A copy of the Declaration and Power of Attorney from the prior application is enclosed.

> The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

☒   _6_ sheets of drawings (☒ formal ☐ informal) (Figs. 1-8) are enclosed.

☐   The prior application is assigned of record to:_____.

☒   The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.

> ☐ The power appears in the original Declaration of the prior application.

> ☒ Since the power does not appear in the original Declaration, a copy of the Revocation of Original Power of Attorney and Grant of new Power of Attorney in the prior application is enclosed.

☐   A certified copy of ____ Patent Application No. ____ filed ____ from which priority is claimed under 35 U.S.C. § 119 is enclosed.

☒   Information Disclosure Statement (IDS) and Form PTO-1449

☒   Amend the specification by inserting before paragraph 1 on page 1 to read as follows:
    --This is a ☐ continuation ☒ divisional of application Serial No. 09/618,197, filed July 18, 2000, which is a continuation of application Serial No. 08/112,426, filed August 26, 1993, now U.S. Patent 6,129,740, which is a continuation of application Serial No. 07/692,583, filed May 13, 1991, now abandoned, which is a continuation of application Serial No. 07/341,848, filed April 24, 1989, now abandoned, all of which are incorporated herein by reference.--

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary Karlin Michelson, M.D.   ) Group Art Unit: (3641)
)
Serial No.: Div. of 09/618,197   )
) Examiner: (S. Johnson)
Filed: August 26, 2003   )
)
For: Stapler Handle   )

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
Express Mail Mailing Label No. EV 321 290 085 US
Date of Deposit: August 26, 2003

I hereby certify that:

1. Rule 1.53(b) Divisional Application Transmittal Form (in duplicate)
2. 15 total application pages including specification, claims (13 total and 2 independent), and abstract
3. 6 sheets of Formal Drawings (A4 paper; Figs. 1-8)
4. Copy of executed Declaration and Power of Attorney from prior application
5. Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney as filed in prior application
6. Information Disclosure Statement; Form PTO-1449
7. Check in the amount of $375.00 (filing fee)
8. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: 8/26/03

Anita Chou

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030
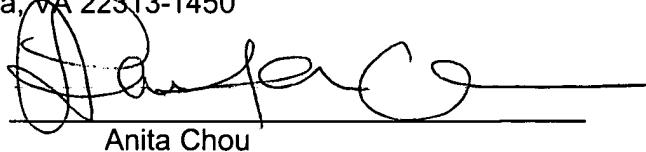
☐   Cancel Claims _____.

☐   An Amendment is enclosed.

	CALCULATION OF FEES						
	ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	SM $ ENTITY FEE		$ AMOUNT	$ FEE
A	TOTAL CLAIMS FEE	13	-20	0	SM=$9	$18		0
B	INDEPENDENT CLAIMS FEE*	2	-3	0	SM=$42	$84		0
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							$
D	MULTIPLE-DEPENDENT CLAIMS FEE				SMALL ENTITY FEE = $140			$
E	BASIC FEE				SMALL ENTITY FEE = $375			$ 375
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							$ 375
G	ASSIGNMENT RECORDING FEE						$ 40	$

☒   A check in the amount of $ 375.00 to cover the above fees is enclosed.

☒   Correspondence Address: Customer No. 22882
Martin & Ferraro, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030

☒   The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**
    ☒   Any additional filing fees required under 37 C.F.R. § 1.16
    ☒   Any patent application processing fees under 37 C.F.R. § 1.17

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/618,197, filed July 18, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,
MARTIN & FERRARO LLP
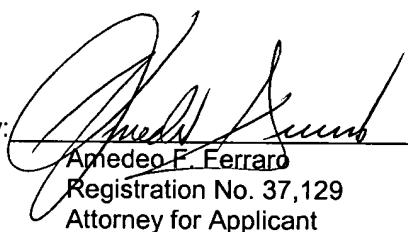
Date: 8-26-03

By: _____
Amedeo F. Ferraro
Registration No. 37,129
Attorney for Applicant

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